

REMARKS/ARGUMENTS

Claims 1-11 are pending in this application. By this Amendment, claim 4 is amended, and new claim 12 is added to place this application in condition for allowance. In light of the election discussed below, claims 1-12 are before the Examiner for consideration in light of this election. In light of the restriction requirement, if maintained, claims 1, 2, 4-6 and 8-12 will be before the Examiner for consideration on their merits.

In reply to the Restriction Requirement dated **March 22, 2007**, Applicants hereby elect **Group I (claims 1, 2 and 4-11)** with traverse for further prosecution on the merits.

Claim 4 has been amended to recite that seed-specific expression vector comprises the promoter of claim 1, but without reference to the intron. Claim 12 is added to cover the combination of the promoter of claim 1 and the intron of claim 3. Introduction of this claim is proper since original claim 4 claimed the promoter and the intron in both an alternative fashion as well as in combination. Since the promoter is being examined, claim 12 covering the combination of the promoter and intron is proper for inclusion with the elected claims.

Applicants also elect the species of claim 6. However, it is submitted that since the promoter of claim 1 is being examined, there is no undue burden on the Examiner to examine both the vector of claim 6 and the vector of claim 7. Thus, the species restriction requirement is not warranted in this case and should be withdrawn. Also, should claim 1 be found allowable, Applicants are entitled to a reasonable number of species, and the election of species

requirement, if maintained, should be withdrawn upon a finding that generic claim 1 is allowable over the prior art.

Claim 4 has been amended to recite that seed-specific expression vector comprises the promoter of claim 1, but without reference to the intron. Claim 12 is added to cover the combination of the promoter of claim 1 and the intron of claim 3. Introduction of this claim is proper since original claim 4 claimed the promoter and the intron in both an alternative fashion as well as in combination. Since the promoter is being examined, claim 12 covering the combination of the promoter and intron is proper for inclusion with the elected claims.

Applicants also elect the species of claim 6. However, it is submitted that since the promoter of claim 1 is being examined, there is no undue burden on the Examiner to examine both the vector of claim 6 and the vector of claim 7. Thus, the species restriction requirement is not warranted in this case and should be withdrawn. Also, should claim 1 be found allowable, Applicants are entitled to a reasonable number of species, and the election of species requirement, if maintained, should be withdrawn upon a finding that generic claim 1 is allowable over the prior art.

Furthermore, it is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that

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“if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

CONCLUSION

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: April 23, 2007

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